

LITE DEPALMA GREENBERG, LLC

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Attorneys for Defendant, City of Paterson

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

KEVIN MAJOR,	:	Civil Action No.:
Plaintiff,	:	Removed From:
v.	:	Superior Court of New Jersey
NABIL KAMEL, WALGREENS, ABC SECURITY COMPANY #1, EUDY RAMOS, CITY OF PATERSON	:	Law Division: Passaic County
Defendants.	:	Docket No. PAS-L-3818-18
	:	NOTICE OF FILING PETITION TO UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY FOR REMOVAL 28 U.S.C. § 1446(d)

SIR/MADAM:

PLEASE TAKE NOTICE in accordance with 28 U.S.C. §§ 1441-1451, Defendant, City of Paterson, hereby gives notice that it has removed the above-entitled case from the Superior Court of New Jersey, Passaic County, to the United States District Court for the District of New Jersey. In support of this notice, Defendant states the following:

1. The within matter was commenced by Kevin Major, in the Superior Court of New Jersey, Passaic County, Docket No. PAS-L-3818-18. The City of Paterson was served on November 29, 2018.
2. The United States District Court has original jurisdiction of the above-captioned civil

action pursuant to 28 U.S.C. §§ 1331 because the cause of action brought by Plaintiff involves a federal question.

3. True copies of the Summons and Complaint, which comprise all pleadings and orders served upon the above Defendant in this action, are attached hereto as **Exhibit A**.

4. This removal is timely under 28 U.S.C. § 144(b) in that it was filed within thirty (30) days of Defendant's acceptance of the Complaint.

5. Defendant seeks removal of the within matter pursuant to 28 U.S.C. § 1441 because the Complaint alleges causes of action under federal law and/or the United States Constitution, including 42 U.S.C. § 1983. (See Exhibit A).

6. No previous petition or notice has been made for the relief sought herein.

7. A Notice of Filing Petition will be filed with the Clerk of the Superior Court of New Jersey in Trenton and the Clerk of the Superior Court of New Jersey in Passaic County.

8. Additionally, a copy of both Notices will be served upon Plaintiff. At the time of filing, no other defendant has filed an Answer to Plaintiff's Complaint.

WHEREFORE, Defendant, City of Paterson, respectfully gives notice that the above-matter is removed to the United States District Court for the District of New Jersey from the Superior of New Jersey, Law Division, Passaic County.

LITE DEPALMA GREENBERG, LLC

By: /s/ Victor A. Afanador
VICTOR A. AFANADOR, ESQ.
570 Broad Street, Suite 1201
Newark, New Jersey 07102
Attorneys for Defendants, City of Paterson

Date: December 7, 2018

EXHIBIT A

RECEIVED

KEVIN G. ROE
425 SUMMIT AVENUE
HACKENSACK, NEW JERSEY 07601
(201) 489-6777
ATTORNEY I.D. 024371980
ATTORNEY FOR PLAINTIFF

NOV 29 2018

City of Paterson
Law Department

2018 NOV 26

P221

RECEIVED
CITY OF PATERSON, NJ
2018 NOV 29 PM 12 48

KEVIN MAJOR

Plaintiff,

v.

NABIL KAMEL, WALGREENS,
ABC SECURITY COMPANY #1,
EUDY RAMOS, CITY OF PATERSON,
JOHN DOES 1-10 (fictitiously named) and
ABC COMPANIES 1-10 (fictitiously named),

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: PASSAIC COUNTY

DOCKET NO. PAS-L-003818-18

CIVIL ACTION

SUMMONS

SONIA L. GORDON
ACTING CITY CLERK

From The State of New Jersey
To The Defendant(s) Named Above: **CITY OF PATERSON**

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the Clerk of the Superior Court in the County listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) A \$175.00 filing fee payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed.

You must also send a copy of your answer or motion to plaintiff's attorney, whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee and completed Case Information Statement) if you want the Court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and court costs. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

CITY CLERK

18:747(B)

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

Dated: November 21, 2018

/s/ *Michelle M. Smith*

Michelle M. Smith, Esq.

Acting Clerk of the Superior Court

Name of defendant to be served:

CITY OF PATERSON

Address for service:

**155 Market Street
Paterson, New Jersey 07505**

***Directory of Superior Court Deputy Clerk's Offices
County Lawyer Referral and Legal Services Offices***

ATLANTIC COUNTY:
Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401

LAWYER REFERRAL
(609) 345-3444
LEGAL SERVICES
(609) 348-4200

BERGEN COUNTY:
Deputy Clerk of the Superior Court
Case Processing Section, Room 119
Justice Center
10 Main St.
Hackensack, NJ 07601-0769

LAWYER REFERRAL
(201) 488-0044
LEGAL SERVICES
(201) 487-2166

BURLINGTON COUNTY:
Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancocas Rd.
Mt. Holly, NJ 08060

LAWYER REFERRAL
(609) 261-4862
LEGAL SERVICES
(609) 261-1088

CAMDEN COUNTY:
Deputy Clerk of the
Superior Court
Civil Processing Office
1st Fl., Hall of Records
101 S. Fifth St.
Camden, NJ 08103

LAWYER REFERRAL
(856) 964-4520
LEGAL SERVICES
(856) 964-2010

CAPE MAY COUNTY:
Deputy Clerk of the
Superior Court
9 N. Main Street
Box DN-209
Cape May Court House, NJ 08210

LAWYER REFERRAL
(609) 463-0313
LEGAL SERVICES
(609) 465-3001

CUMBERLAND COUNTY:
Deputy Clerk of the
Superior Court

LAWYER REFERRAL
(856) 692-6207
LEGAL SERVICES

Civil Case Management
Office
Broad & Fayette Sts.,
P.O. Box 615
Bridgeton, NJ 08302

(856) 451-0003

ESSEX COUNTY:
Deputy Clerk of the
Superior Court
50 West Market Street
Room 131
Newark, NJ 07102

LAWYER REFERRAL
(973) 622-6207
LEGAL SERVICES
(973) 624-4500

GLOUCESTER COUNTY:
Deputy Clerk of the
Superior Court
Civil Case Management
Office
Attn: Intake
First Fl., Court House
1 North Broad Street,
P.O. Box 129
Woodbury, NJ 08096

LAWYER REFERRAL
(856) 848-4589
LEGAL SERVICES
(856) 848-5360

HUDSON COUNTY:
Deputy Clerk of the
Superior Court
Superior Court,
Civil Records Dept.
Brennan Court House—
1st Floor
583 Newark Ave.
Jersey City, NJ 07306

LAWYER REFERRAL
(201) 798-2727
LEGAL SERVICES
(201) 792-6363

HUNTERDON COUNTY:
Deputy Clerk of the
Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08822

LAWYER REFERRAL
(908) 735-2611
LEGAL SERVICES
(908) 782-7979

MERCER COUNTY:
Deputy Clerk of the
Superior Court
Local Filing Office,
Courthouse

LAWYER REFERRAL
(609) 585-6200
LEGAL SERVICES
(609) 695-6249

175 S. Broad Street,
P.O. Box 8068
Trenton, NJ 08650

MIDDLESEX COUNTY:
Deputy Clerk of the
Superior Court
Administration Building
Third Floor
1 Kennedy Sq.,
P.O. Box 2633
New Brunswick, NJ 08903-2633

MONMOUTH COUNTY:
Deputy Clerk of the
Superior Court
Court House
71 Monument Park
P.O. Box 1269
Freehold, NJ 07728-1269

MORRIS COUNTY:
Deputy Clerk of the
Superior Court
Civil Division
30 Schuyler Pl.,
P.O. Box 910
Morristown, NJ
07960-0910

OCEAN COUNTY:
Deputy Clerk of the
Superior Court
Court House, Room 119
118 Washington Street
Toms River, NJ 08754

PASSAIC COUNTY:
Deputy Clerk of the
Superior Court
Civil Division
Court House
77 Hamilton St.
Paterson, NJ 07505

LAWYER REFERRAL
(732) 828-0053
LEGAL SERVICES
(732) 249-7600

LAWYER REFERRAL
(732) 431-5544
LEGAL SERVICES
(732) 866-0020

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 285-6911

LAWYER REFERRAL
(732) 240-3666
LEGAL SERVICES
(732) 341-2727

LAWYER REFERRAL
(973) 278-9223
LEGAL SERVICES
(973) 345-7171

SALEM COUNTY:
Deputy Clerk of the
Superior Court
92 Market St.,
P.O. Box 18
Salem, NJ 08079

LAWYER REFERRAL
(856) 935-5628
LEGAL SERVICES
(856) 451-0003

SOMERSET COUNTY:
Deputy Clerk of the
Superior Court
Civil Division Office
New Court House,
3rd Fl.
P.O. Box 3000
Somerville, NJ 08876

LAWYER REFERRAL
(908) 685-2323
LEGAL SERVICES
(908) 231-0840

SUSSEX COUNTY:
Deputy Clerk of the
Superior Court
Sussex County
Judicial Center
43-47 High Street
Newton, NJ 07860

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 383-7400

UNION COUNTY:
Deputy Clerk of the
Superior Court
1st Fl., Court House
2 Broad Street
Elizabeth, NJ 07207-6073

LAWYER REFERRAL
(908) 353-4715
LEGAL SERVICES
(908) 354-4340

WARREN COUNTY:
Deputy Clerk of the
Superior Court
Civil Division Office
Court House
413 Second Street
Belvidere, NJ 07823-1500

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 475-2010

PASSAIC SUPERIOR COURT
PASSAIC COUNTY COURTHOUSE
77 HAMILTON STREET
PATERSON NJ 07505

COURT TELEPHONE NO. (973) 247-8176
COURT HOURS 8:30 AM - 4:30 PM

TRACK ASSIGNMENT NOTICE

DATE: NOVEMBER 20, 2018
RE: MAJOR KEVIN VS KAMEL NABIL
DOCKET: PAS L -003818 18

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

DISCOVERY IS 450 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON RAYMOND A. REDDIN

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 003
AT: (973) 247-8198 EXT 8198.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: KEVIN G. ROE
KEVIN G. ROE
425 SUMMIT AVENUE
HACKENSACK NJ 07601

ECOURTS

KEVIN G. ROE, ESQ.
Law Offices of Kevin G. Roe
425 Summit Avenue
Hackensack, New Jersey 07601
Attorney for Plaintiff, Kevin Major

KEVIN MAJOR,
Plaintiff,
vs.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: PASSAIC COUNTY
DOCKET NO. PAS-L-

NABIL KAMEL, WALGREENS, ABC
SECURITY COMPANY #1, EUDY
RAMOS, CITY OF PATERSON, JOHN
DOES 1-10 (fictitiously named) and ABC
COMPANIES 1-10 (fictitiously named),
Defendants.

Civil Action

COMPLAINT & JURY DEMAND

Plaintiff, KEVIN MAJOR (herein "Plaintiff"), residing at 5 Grimes Place, Paterson, New Jersey, by way of Complaint against the Defendant(s), says:

PARTIES AND BACKGROUND FACTS

1. On or about the 20th day of November 2016 Plaintiff was lawfully on the premises of Walgreens, located at 618 East 18th Street, Paterson, New Jersey (herein "the premises").
2. At all relevant times, Defendants, WALGREENS, NABIL KAMEL, ABC SECURITY COMPANY #1, JOHN DOES 1-10 (fictitiously named) and ABC COMPANIES 1-10 (fictitiously named), were the owners of and/or were in control and operation of the premises.
3. At all relevant times, Defendant, NABIL KAMEL, was acting in his capacity as a security guard under the employ and/or agency of Defendants, WALGREENS and ABC SECURITY COMPANY #1.

4. At all relevant times, Defendant, EUDY RAMOS, was acting under color of authority as a Police Officer employed by and under the supervision of Defendant, CITY OF PATERSON.

5. At the aforementioned time and place, Defendants, NABIL KAMEL, was in an altercation with Darren Johnson and/or Natalia Gomez.

6. At the aforementioned time and place, Plaintiff attempted to intervene and assist Defendant, NABIL KAMEL, by getting Darren Johnson away from him.

7. Defendant, NABIL KAMEL, falsely accused Plaintiff of assaulting him.

8. The aforementioned altercation was captured on Defendant WALRGEENS' video surveillance and was reviewed on the date of the incident by Defendants, NABIL KAMEL and EUDY RAMOS.

9. Said video established that Plaintiff actual came to the aid of Defendant, NABIL KAMEL, and did not assault him.

10. Notwithstanding same, Defendant, EUDY RAMOS, signed a criminal complaint against Plaintiff charging second degree aggravated assault.

11. Plaintiff was transported to the Passaic County Jail where he remained for approximately thirty (30) days.

12. The criminal charges against Plaintiff were dismissed in or about April 2018.

FIRST COUNT

13. Plaintiff repeats and reaffirms the prior paragraphs as if set forth verbatim herein.

14. On the aforementioned time and place and/or other dates thereafter, Defendant, NABIL KAMEL, maliciously filed a false complaint against Plaintiff.

15. Defendant, NABIL KAMEL, did not have reasonable ground to allege that Plaintiff committed an assault against him.

16. The aforementioned criminal charges were dismissed.
17. As a direct and proximate cause of the foregoing, Plaintiff suffered the following:
 - a. being arrested and jailed in the Passaic County Jail;
 - b. physical injury, pain, shock and mental anguish;
 - c. loss of employment.

WHEREFORE, Plaintiff demands judgment against the Defendant, NABIL KAMEL, for damages, together with interest, costs of suit and attorney's fees.

SECOND COUNT

18. Plaintiff repeats and reaffirms the prior paragraphs as if set forth verbatim herein.
19. At all times relevant to the Complaint, Defendants, WALGREENS, ABC SECURITY COMPANY #1, JOHN DOES 1-10 (fictitiously named) and ABC COMPANIES 1-10 (fictitiously named), was a principal or employer of Defendant, NABIL KAMEL.
20. At all times relevant to the Complaint, Defendant, NABIL KAMEL, committed a wrongful act causing damages to Plaintiff.
21. Said wrongful act was committed in the scope of agency or employment relationship with Defendants, WALGREENS, ABC SECURITY COMPANY #1, JOHN DOES 1-10 (fictitiously named) and ABC COMPANIES 1-10 (fictitiously named).
22. Said Defendants retained control of the manner and means of the security work performed by Defendant, NABIL KAMEL.
23. Said Defendants are responsible for damages sustained by Plaintiff under the doctrine of *Respondeat Superior*.
24. As a direct and proximate cause of the foregoing, Plaintiff suffered the following:
 - a. being arrested and jailed in the Passaic County Jail;
 - b. physical injury, pain, shock and mental anguish;

- c. loss of employment.

WHEREFORE, Plaintiff demands judgment against the Defendants, WALGREENS, ABC SECURITY COMPANY #1, JOHN DOES 1-10 (fictitiously named) and ABC COMPANIES 1-10 (fictitiously named), for damages, together with interest, costs of suit and attorney's fees.

THIRD COUNT

- 25. Plaintiff repeats and reaffirms the prior paragraphs as if set forth verbatim herein.
- 26. Defendant, EUDY RAMOS, deprived Plaintiff of his civil, constitutional and statutory rights under color of law and is liable to Plaintiff under 42 U.S.C. §1983.
- 27. Defendant's conduct deprived Plaintiff of his right to be free of unreasonable searches and seizures, pursuant to the Fourth and Fourteenth Amendments to the United States Constitution.
- 28. Defendant's conduct deprived Plaintiff of his right to due process of law pursuant to the Fourteenth Amendment to the United States Constitution.
- 29. Defendant falsely arrested Plaintiff.
- 30. Defendant signed false criminal charges against Plaintiff.
- 31. Said criminal charges were dismissed.
- 32. Plaintiff has been damaged as a result of Defendant's wrongful acts.
- 33. As a direct and proximate cause of the foregoing, Plaintiff suffered the following:
 - a. being arrested and jailed in the Passaic County Jail;
 - b. physical injury, pain, shock and mental anguish;
 - c. loss of employment.

WHEREFORE, Plaintiff demands judgment against the Defendant, EUDY RAMOS, for damages, together with interest, costs of suit and attorney's fees.

FOURTH COUNT

34. Plaintiff repeats and reaffirms the prior paragraphs as if set forth verbatim herein.

35. At all times relevant to the Complaint, Defendant, CITY OF PATERSON, was aware of the conduct of Defendant, EUDY RAMOS, with regard to violating the constitutional rights of individuals that came into contact with Officer Ramos under color of law.

36. The incident involving Plaintiff was not an isolated incident with this Police Officer.

37. This Police Officer was subsequently arrested and indicted for violating the civil rights of other City inhabitants.

38. Despite due notice prior to the instant matter, the City failed to take corrective action.

39. This inaction and the policies in place within the City of Paterson, resulted in the incident in the present case wherein a City of Paterson Police Officer violated Plaintiff's civil rights without fear of reprisal.

40. Plaintiff has been damaged as a result of the deliberate indifference of Defendant, CITY OF PATERSON, to the constitutional rights of the City's inhabitants.

41. Defendant, CITY OF PATERSON, is liable for the damages suffered by Plaintiff as a result of the conduct of its Police Officer and the violation of Plaintiff's constitutional rights.

42. As a direct and proximate cause of the foregoing, Plaintiff suffered the following:

- a. being arrested and jailed in the Passaic County Jail;
- b. physical injury, pain, shock and mental anguish;
- c. loss of employment.

WHEREFORE, Plaintiff demands judgment against the Defendant, CITY OF PATERSON, for damages, together with interest, costs of suit and attorney's fees.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Plaintiff designates Kevin G. Roe, Esq., as trial counsel.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues herein.

STATEMENT OF DAMAGES

Pursuant to R. 4:5-2, Plaintiff demands Three Million Dollars (\$3,000,000.00) in damages as to all Counts of the Complaint.

CERTIFICATION PURSUANT TO RULE 4:5-1

Pursuant to Rule 4:5-1, the undersigned certifies that the matter in controversy is not the subject of any other action pending in any Court or of a pending arbitration proceeding, nor is any other action or arbitration proceeding contemplated.

LAW OFFICES OF KEVIN G. ROE

Kevin G. Roe, Esq.

Attorney for Plaintiff(s)

Dated: November 20, 2018

Civil Case Information Statement

Case Details: PASSAIC | Civil Part Docket# L-003818-18

Case Caption: MAJOR KEVIN VS KAMEL NABIL

Case Initiation Date: 11/20/2018

Attorney Name: KEVIN G ROE

Firm Name: KEVIN G. ROE

Address: 425 SUMMIT AVENUE

HACKENSACK NJ 07601

Phone:

Name of Party: PLAINTIFF : Major, Kevin

Name of Defendant's Primary Insurance Company
(if known): Unknown

Case Type: CIVIL RIGHTS

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Hurricane Sandy related? NO

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? YES

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b)

11/20/2018

Dated

/s/ KEVIN G ROE

Signed